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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,452	11/12/2003	Dominic Cloccarelli	50006076-2	8000
<div>7590 11/15/2007 HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400</div>			<div>EXAMINER SEYE, ABDOU K</div> <div>ART UNIT 2194</div> <div>PAPER NUMBER</div>	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/706,452

Applicant(s)

CLOCCARELLI, DOMINIC

Examiner

Abdou Karim Seye

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to Amendment

1. The amendment filed on August 29, 2007 has been received and entered. The amendment amended Claims 1, 16, 19, 23, 26 and 27. The currently pending claims considered below are Claims 1-28.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 22 is rejected under 35 U.S.C. 112, first paragraph, because the claimed system in this claim consist of a single means: " means to implement a method as claimed in claim 1", and thus is interpreted as single means claims under MPEP 2164.08(a).

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When

claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claim 27 is non statutory. The claimed computer product, a computer readable medium encoded could be constructed of software program instructions. Thus, this claimed product could be a virtual memory address space that is software containing machine-executable instructions, per se (and not associated with any physical structure). See MPEP 2106.01 - I: "...computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized...".

Dependent claim 28 is also affected by this claim rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-9, 16-17 and 19-28 are rejected under 35 U.S.C. 102 (e) as being anticipated by **Apte (US 6959307)**.

As to Claims 1, 19, 23 and 27-28, Apte teaches a remote object invocation method system and product for invoking a method of a remote object of a remote server; the method comprising the steps of:

producing remote object data associated with the remote object to discover an object interface dynamically (Figure 6; col. 9, lines 45-58);

interpretatively establishing a proxy object of a local client computer using the remote object data at runtime of client software, the proxy object bearing an associated proxy method corresponding to the method of the remote object (Figure 7A-B; col. 11, lines 10-18; 60-67; col. 15, lines 38-48);

invoking, in response to an action of the client software, the proxy object method (Figure 7A/B; col. 10, lines 42-50; col. 11, lines 40-43; Figure 9A-D);

conveying invocation data associated with the invocation of the proxy method to the remote object (Figure 7A/B; col. 10, lines 54-61; Figure 10A-C, col. 13, lines 63-67; and col. 14, lines 1-51);

invoking, in response to the invocation data, the method of the remote object (Figure 10A-C, col. 13, lines 63-67; and col. 14, lines 1-51); and

returning invocation result data to the client software via the proxy object (Figure 10A-C, col. 13, lines 63-67; and col. 14, lines 1-51).

As to Claim 2, Apte teaches, the step of introspecting the remote object to produce introspection data and in which the remote object method data comprises the introspection data produced by said introspecting (col. 15, lines 38-48).

As to Claim 3, Apte teaches, the step of creating an object descriptor for the remote object (Col. 10, lines 13-16; Figure 9A-D).

As to Claim 4, Apte teaches the step of creating the object descriptor for the remote object comprises the step of storing the object descriptor in a cache for later retrieval, the later retrieval being responsive to a request to create an instance of the remote

Art Unit: 2194

object (Figure 2 : 208;" Cache"). This claimed element of Apte's reference meets the claimed limitation of the claim.

As to Claim 5, Apte teaches, the step of determining whether or not an instance of the remote object has been created and in which the step of creating the object descriptor is responsive to a determination that an instance of the remote object has not been created (col. 9, lines 33-41; col. 10, lines 25-30).

As to Claim 6, Apte teaches, the step of generating location data to facilitate location of a corresponding instance of the remote object (col. 9, lines 45-59).

As to claim 7 and 8; they are rejected for the same reasons as the claims above.

As to claim 9, Apte teaches, the step of instantiating the remote object is performed in response to a determination that the remote object has a predetermined characteristic (Figure 11, col. 15, lines 8-19; "determination of the EJB"). This claimed element of Apte's reference meets the claimed limitation of the claim.

As to claims 16-17, 20-21, 22, 24-26 it is rejected for the same reasons as the claims above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-15 and 18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Apte (US 6959307)** in view of **Tewksbary (US 20040210585)**.

As to Claims 10-11 and 15, Apte teaches, the step of instantiating the remote object is performed in response to a determination that the remote object has a predetermined characteristic as in claim 9 above, but he does not explicitly teach the predetermined characteristic is that the remote object is stateless and the predetermined characteristic is that the remote object is stateful.

Whereas, in the same field of endeavor, Tewksbary discloses an interface definition language implemented on a variety of web architecture including EJB, RMI XML and process for determining whether an object interface is stateful or stateless (paragraph 37 and 40).

It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Apte's invention with Tewksbary's invention to include the

Art Unit: 2194

determination of stateless or stateful remote object characteristic for managing object.

One would have been motivated to determine stateless or stateful characteristic of object, because an interpreter such as an compiler can take full advantage of the optimizations around stateless objects (Tewksbary; paragraph 37).

As to Claim 12, Apte teaches, the step of instantiating is performed in response to initialisation of a system hosting the remote object (col. 6, lines 10-18).

As to Claim 13, Apte teaches, prior to the step of instantiating, the step of determining whether or not remote object is permitted to be instantiated and in which the step of instantiating is performed in response to determining that the remote object is permitted to be instantiated (col. 7, lines 12-27).

As to Claim 14, Apte teaches, the step of encapsulating the remote object data within a data structure (col. 9, lines 45-58).

As to claim 18, it is rejected for the same reasons as the claims above.

Response to Arguments

9. Applicant's arguments filed on August 29, 2007 have been fully considered but they are not persuasive.

a. Claim 27: Applicant amended claim 27 to overcome the 101 rejection.

However, the examiner notes that the claimed element " a computer readable medium encoded " is not disclosed in the applicant's specification, therefore it could be interpreted as a software element.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure.

Ims (20050014531) discloses a Technique for automatically and transparently transforming software components into software components capable of execution in a client/server computing environment.

Apte et al (6269373) discloses a method and system for persisting beans as container-manager fields.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exr. Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached Monday through Friday from 7:30 a.m. to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, contact the examiner's supervisor, William Thomson at (571) 272-3718. The fax phone number for formal or official faxes to Technology Center 3600 is (571) 273-8300. Draft or informal

Art Unit: 2194

faxes, which will not be entered in the application, may be submitted directly to the examiner at (571) 273-6722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (571) 272-3600.

AKS

October 31, 2007


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER